

IN THE CIRCUIT COURT OF THE 15th
JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

ALEYDA YANES,

GENERAL JURISDICTION DIVISION

Plaintiff,

CASE NO.

vs.

COSTCO WHOLESALE CORPORATION,
a Foreign Profit Corporation,

Defendant.

COMPLAINT FOR DAMAGES

COMES NOW, the Plaintiff, ALEYDA YANES, by and through her undersigned attorney, hereby sues the Defendant, COSTCO WHOLESALE CORPORATION, hereinafter referred to as "COSTCO" and alleges that:

1. This is an action for damages in excess of Fifty Thousand (\$50,000.00) Dollars exclusive of costs and interest.
2. At all times material hereto, Plaintiff, ALEYDA YANES, was a resident of Palm Beach County, Florida and otherwise *sui juris*.
3. At all times material hereto, Defendant, COSTCO, was a Florida Foreign Profit Corporation doing business in the State of Florida and is subject to the jurisdiction and venue of this Court and may be served with Summons and Process upon the Registered Agent, CT Corporation System, 1200 S. Pine Island Road, Plantation, Florida 33324 and otherwise *sui juris*.
4. At all times material hereto, Defendant, COSTCO by and through its agents and/or employees was in control and supervision over the premises known as Costco Wholesale, 17800 Congress Avenue, Boca Raton, FL 33487.

5. That on or about August 13, 2023, Plaintiff, ALEYDA YANES, a customer, was

EXHIBIT 1

lawfully on the above-described premises as a business invitee.

COUNT I - NEGLIGENCE BY COSTCO

Plaintiff, ALEYDA YANES, realleges and reavers paragraphs 1 through 5 of the Complaint as set forth herein.

6. That on or about August 13, 2023, the Defendant, "COSTCO", owed a duty to the Plaintiff, ALEYDA YANES, a business invitee to:

1. exercise reasonable care and maintain the premises in a safe condition.
2. give timely notice of latent or concealed perils which are known or should be known to the owner, but which are not known to the invitee.
3. repair known dangers and reasonably inspect for, discover and fix all known and unknown hazards in areas of the property accessible to the business invitee.

7. While shopping on the property of Defendant, "COSTCO" the Plaintiff, ALEYDA YANES, was removing a bottle of Fabuloso from the display, stacked four boxes high, when several large bottles of Fabuloso fell onto her right foot.

8. That at the above-described time and place, the Defendant, "COSTCO", breached the above-described duty by negligently:

- a. Failing to maintain its premises in a safe condition;
- b. Failing to post warning signs regarding a dangerous condition;
- c. Failing to post signs warning of the danger in removing items from the top of the stack.
- d. Failing to prevent the Plaintiff, ALEYDA YANES, from being exposed to the dangerous condition as it then existed;

- e. Failing to properly inspect the area where the heavy object fell onto the Plaintiff;
- f. Failing to safely and properly stack and secure the items that fell onto the plaintiff;
- g. Failing to otherwise exercise the degree of care with respect to matters alleged in this complaint;

10. That the dangerous condition was known to the Defendant or had existed for a sufficient length of time so that the Defendant, in exercising reasonable care, knew and/or should have known of it.

11. The Plaintiff, ALEYDA YANES, sustained injuries in and about her body and extremity suffered bodily injury, discomfort, pain, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, and/or aggravated a previously existing condition or injury thereto, and further the Plaintiff incurred medical expenses, and all of these losses and injuries are either permanent or continuing in nature and the Plaintiff will suffer from the same in the future.

WHEREFORE, Plaintiff, ALEYDA YANES, demands judgment for damages against the Defendant, "COSTCO" plus costs of this action and any other relief this Honorable Court deems just and proper. Plaintiff further demands a trial by jury of all issues triable as a matter of right.

Dated this 25 day of June, 2024.

Respectfully submitted,

PAUL E. SUSS, P.A.

4491 S. State Road 7, Suite 314

Davie, FL 33314

Telephone: (305) 935-7200

By:



PAUL E. SUSS

Florida Bar No. 796212